

MINUTES OF MARION CITY COUNCIL PUBLIC HEARING
CITY COUNCIL CHAMBERS
TUESDAY, JUNE 9, 2015
6:00 P.M.

A Public Hearing to *Set Millage for Raising Funds and to Adopt the Budget for the City of Marion, South Carolina, Fiscal Year ending June 30, 2016* was held in Council Chambers on Tuesday, June 9, 2015 at 6:00 p.m. over which Mayor Bobby L. Davis presided. Council members Michael Baker, Ronald Atkinson, Ralph Atkinson, Odessa Gregg were present. Council members Joseph Frazier and Emerson Hunt were absent. Also present were City Administrator Alan Ammons, City Treasurer Patricia Brown and City Clerk Pam Jones. PDRTA was present to ask that they be considered in the budget for 2015-16. Mayor Davis commented that there is \$2,850 designated in the budget for PDRTA and that they are asking for a total of \$5,000. With no further questions or comments from the public, Mayor Pro-tem Ronald Atkinson made a motion to adjourn the Public Hearing, seconded by Councilman Michael Baker; motion carried.

MINUTES OF MARION CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS
TUESDAY, JUNE 9, 2015
6:30 P.M.

A regular meeting was held by City Council on Tuesday, June 9, 2015 at 6:30 p.m. over which Mayor Bobby L. Davis presided. Council members Michael Baker, Ronald Atkinson, Ralph Atkinson, Odessa Gregg, Joseph Frazier and Emerson Hunt were present. Also present were City Administrator Alan Ammons, City Treasurer Patricia Brown, City Clerk Pam Jones and City Attorney Kenneth Davis.

Mayor Davis called the meeting to order and Councilwoman Gregg gave the opening prayer. Mr. Ammons led the Pledge of Allegiance. Mayor Davis welcomed citizens, guests and the press. (Hometown TV).

Councilman Michael Baker made a motion to approve the minutes of the regular meeting on May 12, 2015, and the special meeting budget workshop on May 14, 2015, seconded by Councilwoman Odessa Gregg. Councilman Frazier asked that the minutes from the May 14, 2015 Budget Workshop be amended to show that a motion had been made to add \$3,000 to the Budget as a line item for the Marion County Library. Upon review of the tape, there was no motion made; there was a consensus by

Council members in attendance. Councilman Ralph Atkinson commented that everyone in the City pays County taxes on the library, and with a short budget, to give an extra \$3,000 for the library seems excessive. The motion carried.

Mayor Bobby L. Davis presented the Mayor's Monthly Beautification Award to Kelly Calhoun and thanked him for his outstanding efforts in keeping Marion clean and beautiful.

Sanitation Department employee Robert Browder was named *May Employee of the Month* and presented with a gift certificate. Mayor Davis thanked Robert for his hard work and his dedication to the City.

Mayor Davis recognized Officer Jonathan Forest Warren for outstanding service performed. City Clerk Pam Jones read a letter from Mr. David Mesner expressing his thanks to Officer Warren, Chief Tennie and Mayor Davis for their assistance in obtaining a flag that flew over City Hall and the Veteran's Triangle Memorial Park. The flag will be presented Mr. Howard Rogers, husband of the late Eloise Rogers, former County Council member. A copy of the recognition letter from Mayor Davis and the letter from Mr. Mesner will be placed in Officer Warren's permanent file.

Mrs. Lois Edwards of the State Forestry Commission was present to give the City of Marion the distinguished *Tree City Award USA* for the 23rd year. Mrs. Edwards commented that a tree was planted on the Hike-Bike Trail on Arbor Day in honor of Mr. Alan Ammons. She further commented that the City of Marion had met all requirements to receive this award. On behalf of the City, Mayor Davis thanked her for this award.

Councilman Emerson Hunt made a motion to appoint Mrs. Sally Davis to the Housing Authority Board, replacing her husband, Raymond Davis who recently passed. The motion was seconded by Mayor Pro-tem Ronald Atkinson and carried. This term will expire May 2018.

Mr. Willie Brigman was not present to request use of Withlacoochee Park.

Mrs. Connie Black, Chairperson of the NAACP ACT-SO Youth was present to request a fee waiver for use of the Opera House for a fundraiser to send 6 student representatives to the National NAACP

ACT-SO Scholarship competition. These students will represent Marion, Mullins, Creek Bridge and South Carolina. The fundraiser will be a play, held on June 20th, at the Opera House. Councilman Emerson Hunt made a motion to allow the NAACP ACT-SO to use the Opera House with a waiver of the fee, seconded by Councilman Michael Baker. Councilman Emerson Hunt made a motion to amend the dates for use of the Opera House to June 19th and 20th, seconded by Councilman Michael Baker; motion carried.

Mr. James Scott, former Swamp Fox and Carolina Gamecock, was present to speak about the Marion High School Football Camp being held this summer. There will be numerous college level players attending to help encourage the players with, not only football skills, but life skills as well. Mr. Scott asked for the City's moral support and if they could help with t-shirts. Councilman Hunt commented that due to budget constraints, he was not sure what the City could do, but he will personally will donate \$250 toward this, Councilwoman Gregg will also make a personal donation. Mayor Pro-tem Atkinson and Mayor Davis will also make personal donations. Councilman Hunt stated that if the budget was not so constrained at this time, he felt like the Council would be behind this request and that we support what Mr. Scott is trying to do for our young people.

Assistant Fire Chief Chris McKenzie was present to give an overview of the City Ordinance on burning in the city limits. An Ordinance for no burning the city limits was established by Council November 10, 2014; i.e. a person shall not kindle, maintain or authorize to maintain open burning, unless conducted or approved in accordance with section 3007.1 thru 3007.7 of the International Fire Code. Also, **IF** there is an allowed burning inside the city limits, a permit must be obtained from the Fire Code Official, which is Fire Chief Trey Cooper. Otherwise, there is no burning in the city limits and if you are caught burning, you can written a citation by the Code Enforcement Officer which is a fine of \$1,092.50. You are only allowed to burn yard debris, natural vegetation (with a permit); you cannot burn construction items, wood, shingles, or trash. We will ask Code Enforcement to monitor that, and this notification will be put in our paper, the Swamp Fox Scene.

Mayor Davis commented that there was a SLED inquiry in reference to City employees. They concluded the inquiry and hopefully by next meeting, Mayor Davis will have a copy of the inquiry regarding employees working on private property. The other inquiry is that we hired a new police and a new training officer. In the process of going through and cleaning up the training office and other areas,

some things were discovered and we are going through an inquiry to see how we should dispose of what was found. Mayor Davis will get back with Council once it is determined how that disposal will be handled.

Councilman Joseph Frazier made a motion to accept 1st Reading **on ORDINANCE 15-08, AN ORDINANCE OF THE CITY OF MARION, SOUTH CAROLINA TO AMEND ORDINANCE 99-03 OF THE MUNICIPAL CODE**, seconded by Councilman Michael Baker. Mayor Davis stated that this ordinance is an ordinance of decorum and we are governed by Roberts' Rules of Order; it will take care of procedures that will take place in our meetings, how our meetings will be conducted according to state law and what could and should happen if we are not in accordance to this ordinance. Motion carried **5-2**. Councilman Hunt commented that in our City we have such a divide between our Council and our citizens and citizens have asked why the Council has become so petty in our meetings and what we are doing in our business. He further commented that we should have more order in our meetings, but we should have a more realistic and a more sincere way of leadership; that is our great travesty, not that fact that we get upset in meetings, because you will get upset in meetings when people tell outrageous lies on you and expect you to sit there and swallow it. Mayor Davis thanked Councilman Hunt for his comments. Mayor Pro-tem Atkinson inquired if this came from the municipal code book, if we had any input or if it came from Roberts' Rules of Order. Attorney Davis responded that this is from the latest edition of Roberts' Rules of Order 2011 and provides some additional language regarding disruptive behavior during the course of a Council meeting. This is stop personal attacks and accusations that don't relate to issues and questions that are on the agenda. This allows the Mayor to control the meeting, including recessing the meeting and give warnings to keep and maintain the order of the meeting. Mayor Pro-tem Atkinson asked if this is the same Ordinance used by other Councils in cities and counties throughout the state and the United States, or is this just for Marion. Attorney Davis responded that every Council has the right to make their own rules of procedure. Councilman Ralph Atkinson asked if this amendment was prepared by Mr. Davis specifically for the City of Marion and would like to see a more complete copy of what Roberts' Rules of Order and this complete deal is, before the 2nd Reading, for informational purposes. Attorney Davis commented that they could spend a few minutes doing an overview/training. Councilman Hunt asked that, regarding Habitual Violations in the 3rd Section, who and what determines a habitual violation? Attorney Davis responded that it would be a full Council decision. The Mayor is authorized to remove a person from the meeting for behavior issues. Attorney Davis went on to state that if disruptions/behavior continue, there is a full-blown trial

in front of Council and whatever decision Council makes can be appealed to Circuit Court. Councilman Hunt asked the Attorney for a more complete understanding of this amendment and stated that he should not be called out of order just for disagreeing with the Mayor; in all fairness to Council, there needs to be an understanding. After more discussion regarding what this Ordinance is about and the need for it to be more completely explained, Mayor Davis called for a vote. Voting **yes** were Mayor Bobby L. Davis, Council members Ralph Atkinson, Michael Baker, Odessa Gregg and Joseph Frazier. Voting **no** were Mayor Pro-tem Ronald Atkinson and Councilman Emerson Hunt.

Councilman Michael Baker made a motion to accept 2nd Reading on **ORDINANCE 15-05, AN ORDINANCE TO SET MILLAGE FOR RAISING FUNDS AND TO ADOPT THE BUDGET FOR THE CITY OF MARION, FISCAL YEAR ENDING JUNE 30, 2016.** Councilman Ralph Atkinson commented that he was unable to attend the Budget Workshop, but did go through the budget. His understanding that, based on the Workshop minutes, the budget for 2015-16 was increased by \$328,000 to \$5.828 million from \$5.5 million in the 2014-15 budget and a \$3,000 line item for the Marion County Library HVAC system, along with other for the Fire Department, was added to the budget. Councilman Atkinson inquired how many dollars would come out of the fund balance to balance this budget. Treasurer Patricia Brown responded that the amount was \$651, 734. Councilman Atkinson stated there are only two ways to raise revenue; raise taxes or cut expenses. He further stated that he didn't agree with the overspending and also did not vote for the budget last year. After reviewing the budget line by line, Councilman Atkinson's suggestion is to cut all non-essential spending, including the annual MASC meeting which is about \$12,000 and thinks all Council should say they are not going. Mayor Davis asked Councilman Atkinson if he approved the 2 budgets prior to his 2014-15 budget, which a copy of the minutes indicated he did. Councilman Atkinson suggested that cuts be made by eliminating the 2% cost of living raise (\$45,000) for the employees, as there are other costs that cannot be eliminated. He suggested that a \$3.00 storm water fee be added to each meter and would generate approximately \$100,000. He also proposed that the Mayor and City Council take a 10% cut in their pay and an 8% reduction across the board in every department. The police cars can stay at the Police Department and not be driven home for a savings of \$5,000 in fuel costs. We would still have to take money from the fund balance, but not as much. Some projects in the Capital Budget could be eliminated such as the new roof and paint for Watsonia (\$37,000) to which Mr. Ammons responded that Watsonia was still being used for rentals. Councilman Atkinson feels that his comments regarding the budget fall on deaf ears to which Mayor Davis responded that an 8% across the board cut would result in some employees making less

than minimum wage and we cannot do that as that is a state and federal violation. We will not take out the thermal cameras requested by the Fire Department out of the budget, as they are life savers. If at least one police car had been purchased each year over the past several years, we would not be driving cars with over 100,000 miles on them and they constantly break down, so new cars are in the budget. The 3-wheeler was purchased to take care of the fields for the 4 state softball tournaments, which approximately 2,500 people are expected to attend. Mayor Davis stated that we have citizens that have to choose between food and medicine and he would not agree to an additional \$3.00 fee for storm water nor will he agree to drop the 2% increase for City employees. Mayor Pro-tem Atkinson commented that he knows it is a hard job to balance the budget, but we should not be spending more money than we're taking in. Every meeting someone is coming and asking the City for money and we can't continue to give it. After more discussion over past issues, Councilman Joseph Frazier seconded the motion to adopt the budget. The motion carried **5-2** with Mayor Davis, Council members Michael Baker, Odessa Gregg, Emerson Hunt and Joseph Frazier voting **yes**. Mayor Pro-tem Ronald Atkinson and Councilman Ralph Atkinson voted **no**.

Councilman Michael Baker made a motion to accept 2nd Reading on **ORDINANCE 15-06, AN ORDINANCE TO APPROPRIATE LOCAL HOSPITALITY REVENUES FOR THE CITY OF MARION FOR THE 2015-2016 FISCAL YEARS**, seconded by Councilman Joseph Frazier. Councilman Ralph Atkinson commented that he felt that any Council member who wanted be a member of the Chamber of Commerce should pay for it themselves, rather than it being paid by the City. The motion carried **6-1** with Councilman Ralph Atkinson voted **no**.

Councilman Michael Baker made a motion to accept 2nd Reading on **ORDINANCE 15-07, AN ORDINANCE TO APPROVE 2015-16 CAPITAL BUDGET**, seconded by Councilman Joseph Frazier. The motion carried **5-2** with Mayor Bobby L .Davis, Council members Michael Baker, Odessa Gregg, Emerson Hunt and Joseph Frazier voting **yes**. Mayor Pro-tem Ronald Atkinson and Councilman Ralph Atkinson voted **no**.

ADMINISTRATOR'S REPORT

Mr. Ammons stated that there were approximately 25 lots that needed mowing and asked for Council's indulgence as they would not be able to cut all of those lots in a week. One tractor is in the shop and should be back next week. Around 300 notices have gone out and about 60-70% have been

taken care of by the property owners. Regarding the employee's health insurance policy, Mr. Ammons passed out a copy of the current policy and asked that Council go over this and make any suggestions to him, the Mayor or Treasurer. This will not affect us now, but will become a bigger liability 10-15 years down the road. Currently, we pay \$400,000+ for employees and \$100,000 on retirees. Mr. Ammons asked that Council review each section so they could determine what changes could be made.

CITY ATTORNEY'S LEGAL UPDATE

Attorney Davis will prepare documents for Roberts' Rules of Order and a newly proposed Ordinance for the next meeting.

DEPARTMENTAL REPORTS

Mayor Davis stated that Council members received all departmental reports in their packets. Mrs. Anne Burroughs thanked the Marion Fire Department for bringing their firehouse to an event held by the Housing Authority.

DISTRICTS AND CITY UPDATE FROM COUNCIL AND MAYOR

Councilman Michael Baker commented that he had gotten with Mr. Ammons during month and they had taken care of most of what needed to be done and scheduled the rest.

Councilman Joseph Frazier inquired if the Marion Police Department meet & greet open house has been scheduled, to which Chief Tennie responded that is has been discussed by a firm date has not been set and that everyone will be notified of the date. Mr. Frazier commented that he received a call about a nuisance property at 603 W. Godbold Street, which is not in his district. The caller said she had been reporting this property for over a year with no results. He stated that Council members should go around in their district to see what needs attention. Mr. Ammons stated that he had spoken with Councilman Atkinson regarding this property and the City cut the grass last year due to the property owner's non-compliance. The notice has been sent this year and when the time is up, the City will cut it.

Mayor Pro-tem Ronald Atkinson had no comment at this time

Councilman Ralph Atkinson had no comment at this time.

Councilwoman Odessa Gregg commented that people in the community are appreciative of the grass being cut. The community also sends thanks for taking down the burned house on Pine Street.

Councilman Emerson Hunt commented that we need to revisit some of the fees being charged for recreation facilities rental. The high fees may keep people from renting the building/gym.

Mayor Bobby L. Davis commented that Summer Camp 2015 has begun and a large crowd is attending. He thanked the volunteers for giving their time. Four computers have been installed and there will be Math and Reading, and hopes to have a Math and English cash award and certificate to be earned in a contest. We will have qualified teachers working with the kids. Mayor Davis thanked Senator Kent Williams for a \$20,000 donation toward the new lights installed at the Green Street Complex. There are a lot of positive things going on, including our employees who work hard.

PUBLIC COMMENTS: Mrs. Liz Young

Mrs. Young was present to complain about a ticket given to her by a police officer and at the time she did not have her driver's license with her. She went to court and was not pleased with the action of the judge who found her guilty and was fined \$25. Mrs. Young commented that it was wrong because the 2 Caucasians were not guilty and she, a black woman, she was guilty. She asked for her \$25 back. Mrs. Young was informed by Attorney Davis that Council could not change a judge's ruling, her only recourse was to go before the South Carolina Supreme Court.

ADJOURNMENT

With no further business to discuss, Councilman Michael Baker made a motion to adjourn, seconded by Councilman Joseph Frazier; motion carried.

Mayor Bobby L. Davis

City Clerk Pam Jones

Taped June 9, 2015